

Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in under emergency detention (Wis. Stat. § 51.15).

409.2 POLICY

It is the policy of the Hudson Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

409.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

409.3.1 BEHAVIORAL HEALTH RESPONSE

If an officer feels a mental health assessment is warranted, the following procedures will be followed:

The officer will inform St. Croix County Emergency Communications Center to request a Behavioral Health On-Call Worker (BHOCW) be notified to contact the officer.

A Northwest Counseling and Guidance Emergency Services staff (NWCGES) member will call the officer and discuss the situation and, if possible, the client.

If it can be determined over the phone that an Emergency Detention is required, approval will be given by the NWCGES staff member and the following will occur.

- NWCGES will secure a bed through Gold Cross and then inform the officer of the hospital's location.
- The NWCGES staff will call the hospital and give approval for the client's admission.
- NWCGES staff will call the officer and confirm everything is OK for transport.

If it is determined over the phone that the client may be able to be diverted to a less restrictive setting, the NWCGES staff will dispatch a NWCGES Mobile Crisis Worker to conduct a face-to-face assessment at the site where the officer is located.

If after the face-to-face assessment it can be determined that an Emergency Detention is required, approval will be given by that NWCGES Mobile Crisis Worker.

- NWCGES Mobile Crisis Worker will secure a bed through Gold Cross and inform the officer of which hospital it is.

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- The NWCGES Mobile Crisis Worker will call the hospital and give approval for the admission.
- The NWCGES Mobile Crisis Worker will inform the officer when everything is OK for transport.
- If after the face-to-face assessment it can be determined that an Emergency Detention is not required, the NWCGES Mobile Crisis Worker will arrange transportation to a supervised community location (i.e. with family, with a friend, a stabilization facility, ect).

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

When transporting any individual for an emergency detention, the Behavioral Health On-Call Worker should have notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Sergeant approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. The officer should provide the staff member with the written application for emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints

409.7 DOCUMENTATION

The officer shall complete a petition for examination, provide it to the facility staff member assigned to that patient and retain a copy of the petition for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7.1 PROBABLE CAUSE STATEMENT

The petition shall include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency detention, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under

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the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergency detentions and crisis intervention.

The department shall designate at least one officer to attend any in-service training on emergency detention and emergency protective placement procedures that is offered by the county department of community programs (Wis. Stat. § 51.15(11m)).